



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: State Board of Health

- ☐ Preproposal Statement of Inquiry was filed as WSR ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR ; or  
☒ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR  
☐ Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-100-166 Immunizations of child care and school children against certain vaccine-preventable diseases.

Hearing location(s): Yakima Convention Center  
10 North 8th Street  
Yakima, WA 98901-2515

Submit written comments to:

Name: Jeff Wise  
Address: Washington State Department of Health  
Immunization Program CHILD Profile  
PO Box 47843  
Tumwater, WA 98504-7843  
Website: <http://www3.doh.wa.gov/policyreview/>  
fax 360-236-5390 by (date) 10/01/2007

Date: October 10, 2007Time: 9:00 a.m.

Assistance for persons with disabilities: Contact

Desiree Robinson by 10/05/2007

TTY (800) 833-6388 or () 711

Date of intended adoption: 10/10/2007

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Updating the reference to the Advisory Committee on Immunization Practices' Recommended Childhood and Adolescent Immunization Schedule from the 2006 version to the 2007 version. The proposed effective date of the revised immunization schedule is July 1, 2008. With this change, schools and child care centers will be required to follow the 2007 recommendations in order to allow entry for the 2008 - 2009 school year. Varicella, commonly known as chickenpox, is the sole vaccine of those required for school entry significantly affected by this update in schedule. Under this proposal: 1) the requirement of a single dose before age 13 under the prior 2006 schedule is replaced with a requirement of two doses prior to kindergarten entry under the new schedule, and 2) documentation by the parent of a history of the disease will no longer be considered proof of a child's immunization against it.

Reasons supporting proposal:

This rule revision is necessary to maintain consistency between the national immunization standards as set by the Advisory Committee on Immunization Practices (ACIP) and Washington State school and child care immunization entry requirements.

Statutory authority for adoption:  
RCW 43.20.050, RCW 28A.210.140

Statute being implemented:  
RCW 28A.210.140

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE 09/05/07

NAME (type or print)

Craig McLaughlin

SIGNATURE

TITLE

Executive Director

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

SEP 5 2007

TIME

11:20

DATE

07-18-09

AM

PM

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

The July 1, 2008 effective date of the revised immunization schedule is specifically chosen to ensure schools and child care centers have enough time to prepare for any changes in the vaccination schedule prior to implementing them for the 2008-2009 school year. The ACIP schedule to be referenced by schools and child care providers lag by approximately one year (e.g. the 2008-2009 school year references the 2007 schedule) in order to allow Washington State enough time to purchase and distribute adequate amounts of vaccines prior to making them a requirement for school entry.

**Name of proponent: (person or organization)** Washington State Board of Health

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Jeff Wise	DOH, Town Center #2, Tumwater WA	360-236-3483
Implementation..... Janna Bardi	DOH, Town Center #2, Tumwater, WA	360-236-3568
Enforcement..... Janna Bardi	DOH, Town Center #2, Tumwater, WA	360-236-3568

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

☒ No. Explain why no statement was prepared.

This rule satisfies the conditions of adopting a national consensus code by reference without material change as described in RCW 34.05.310(c). Therefore, a small business impact statement is not required under RCW 19.82.025(3).

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

☒ No: Please explain: This rule satisfies the conditions of adopting a national consensus code by reference without material change as described in RCW 34.05.328(b)(iii), thereby exempting it from the requirement of a cost-benefit analysis.

AMENDATORY SECTION (Amending WSR 06-17-183, filed 8/23/06, effective 9/23/06)

**WAC 246-100-166 Immunization of child care and school children against certain vaccine-preventable diseases.** (1) Purpose. Under the authority of RCW 43.20.050 and 28A.210.140, the state board of health is empowered to adopt rules to establish immunization requirements upon entry into school and child care. The following rule improves the public health of Washington by preventing vaccine-preventable disease outbreaks.

(2) Definitions. The words and phrases in this section have the following meanings:

(a) Certificate of immunization status (CIS) means:

(i) A certificate of immunization status form approved by the department; or

(ii) A CHILD profile immunization record; or

(iii) Any other immunization form approved by the department.

(b) "Chief administrator" means:

(i) The person with the authority and responsibility for supervising the immediate operation of a school or child care; or

(ii) A person designated in writing by the statutory or corporate board of directors of the school district or school; or

(iii) In the absence of the above, a person or persons with the authority and responsibility for supervising the general operation of the school district.

(c) "Child" means any person regardless of age admitted to:

(i) Any public school district; or

(ii) Any private school or private institution subject to approval by the state board of education or described in RCW 28A.305.130 and 28A.195.010 through 28A.195.060; or

(iii) Any child care center.

(d) "Child care center" means any licensed facility or center that regularly provides care of children for periods of less than twenty-four hours per day subject to licensure by the department of social and health services as described in chapter 74.15 RCW.

(e) "Conditional status" is a type of immunization status where a child is not fully immunized under (g) of this subsection and is in the process of completing the required immunizations for his/her age.

(f) "Exemption" is a type of immunization status where a child is not fully immunized under (g) of this subsection and meets school and child care documentation requirements under subsection (4)(b)(i) of this section.

(g) "Full immunization" or "fully immunized" is an immunization status where a child has been vaccinated at ages and intervals consistent with the national immunization guidelines, with immunizing agents against:

- ((A)) (i) Diphtheria;
- ((B)) (ii) Tetanus;
- ((C)) (iii) Pertussis (whooping cough);
- ((D)) (iv) Poliomyelitis;
- ((E)) (v) Measles (rubeola);
- ((F)) (vi) Mumps;
- ((G)) (vii) Rubella;
- ((H)) (viii) Hepatitis B;
- ((I)) (ix) Haemophilus influenzae type B disease; and
- ((J)) (x) Varicella;

(A) Until July 1, 2008, a single dose for children under thirteen years of age;

(B) Children admitted to school or child care after July 1, 2008, will follow the National Immunization Guidelines regarding varicella as defined in subsection (2) (k) of this section.

(h) "Immunizing agent" means any vaccine or other immunologic drug licensed and approved by the United States Food and Drug Administration (FDA), or meeting World Health Organization (WHO) requirements, for immunization of persons against vaccine-preventable diseases.

(i) "Local health officer" means the individual appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08 RCW as the director of public health of a combined city-county or combined county health district.

~~(j) ((Until July 1, 2007, "national immunization guidelines" means the schedule for the immunization described in the "Recommended Childhood and Adolescent Immunization Schedule: United States--2005" approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).~~

~~(k))~~ Effective July 1, 2007, "national immunization guidelines" means the schedule for the immunization described in the "Recommended Childhood and Adolescent Immunization Schedule: United States--2006" approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

(k) Effective July 1, 2008, "National Immunization Guidelines" means the schedule for the immunization described in the "Recommended Immunization Schedules for Persons Aged 0-18 Years--United States, 2007" approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

(l) "Parent" means, for the purposes of signature requirements in this rule:

- (i) The mother, father, legal guardian, or any adult in loco parentis of a child seventeen years of age or younger; or
- (ii) A person eighteen years of age or older; or
- (iii) An emancipated minor.

(m) "School" means a facility, site, or campus for programs of education as defined in RCW 28A.210.070 to include preschool and kindergarten through grade twelve.

(3) Documentation of immunization status required by schools

and child care center.

(a) Schools and child care centers shall require documented proof of immunization status in the form of a CIS.

(b) The CIS form must include:

(i) Name of child or student;

(ii) Birth date;

(iii) Type of vaccine(s) administered;

(iv) Month, day, and year of each dose of vaccine received;

(v) Documentation of immunization status to indicate:

(A) Full immunization under subsection (2)(g) of this section;

or

(B) Conditional status under subsection (2)(e) of this section; or

(C) Exemption under subsection (2)(f) of this section;

(vi) Notice to parents that if an outbreak of vaccine-preventable disease for which the child is exempted occurs, the child may be excluded from school or child care for the duration of the outbreak;

(vii) Parent signature.

(c) As proof of a child's immunization status against varicella, schools and child care centers may accept one of the following:

(i) Documentation on the CIS form that the child received age appropriate varicella vaccine; or

(ii) Until July 1, 2008, documentation by the parent that a child has a history of varicella; or

(iii) Serologic proof of immunity against varicella.

(4) Duty of schools and child care centers.

(a) Schools and child care centers shall require a CIS form, signed by parents, for new enrollees registering for admission into kindergarten through grade twelve or child care as a requirement of admission.

(b) Full immunization is required upon admission unless:

(i) Parent(s) sign and submit a CIS form indicating a medical exemption.

(A) A permanent medical exemption is allowed when a signature of a licensed medical doctor (M.D.), a doctor of osteopathy (D.O.), doctor of naturopathy (N.D.), physician assistant (P.A.), or nurse practitioner (A.R.N.P.), acting within the scope of practice, certifies medical reasons to defer or forego one or more immunizations required for full immunization under subsection (2)(g) of this section.

(B) If immunizations are deferred on a temporary basis, the student must receive the required immunizations upon expiration of the exemption.

(ii) Parent(s) sign and submit a CIS form indicating a religious or philosophical, or personal exemption.

(iii) Parent(s) sign and submit a CIS form indicating conditional status if there is evidence of satisfactory progress toward full immunization, including:

(A) Documentation of start or continuance towards full immunization status;

(B) Documentation that immunizations received are consistent

with the National Immunization Guidelines defined in subsections (2)(j) and (k) of this section; and

(C) Documentation of when the next immunization is due.

(c) Schools and child care centers maintenance of child immunization records:

(i) Schools and child care centers shall keep a department approved CIS for each enrolled child.

(ii) Schools and child care centers shall keep a list of children with medical, religious, philosophical, or personal exemptions.

(iii) The chief administrator shall retain records for at least three years on a child who is excluded from school under this section. The record must include the child's name, address, and date of exclusion.

(d) Schools and child care centers shall transmit the list of children with medical, religious, philosophical, or personal exemptions to the local health department upon request.

(e) A school or child care center shall return the department approved CIS or a legible copy to the parent if the child is withdrawn from school or child care or transferred from the school.

(f) A school or child care center may not withhold a child's department approved CIS for any reasons, including nonpayment of school child care fees.

(g) A school or child care center shall provide access to immunization records to agents of the state or local health department of each child enrolled.

(h) The chief administrator of a school or child care center shall submit a school immunization status report under chapter 28A.210 RCW either electronically on the internet or on the school immunization status report provided by the department. The report must be:

(i) Submitted to the department by November 1 of each year;

(ii) If a school opens after October 1, the report is due thirty days from the first day of school.

(5) Persons or organizations administering immunizations, either public or private shall:

(a) Furnish each person immunized, or his or her parent, with a written record of immunization containing information required by the state board of health; and

(b) Provide immunizations and records in accordance with chapter 246-100 WAC.

(6) A school or child care center shall exclude a child if one or more of the following applies:

(a) Parent(s) fail to provide a completed CIS form on or before the child's first day of attendance. Schools must use procedures consistent with Title 180 WAC.

(b) A child admitted under conditional status has not received the required immunization(s) within one month from the date due for completion of the next dose.

(c) A child has been admitted under a medical exemption and the particular vaccine for which the exemption was granted is no longer contraindicated and the child has not received the immunization within one month from the due date for completion of

the next dose.

(7) A local health officer may exclude a child from school or child care under chapter 246-110 WAC during an outbreak of a vaccine-preventable disease if the child has not been fully immunized against that disease due to:

- (a) Medical exemption;
- (b) Conditional status;
- (c) Religious exemption;
- (d) Philosophical exemption; or
- (e) Personal exemption.
- (8) Implementation.

(a) The department shall develop and distribute implementation guidelines for schools and child care centers that:

(i) Interpret immunization requirements by grade level consistent with the ages specified in the national immunization guidelines and this section; and

(ii) Reflect national immunization guidelines for children who did not receive required immunizations prior to entry into kindergarten or first grade, and for whom a full series of immunizations is not recommended.

(b) The department may develop school implementation guidelines that waive or modify immunization requirements when a phasing-in period is warranted for a new immunization mandate, when there is limited availability of a required immunizing agent, or when new information about the safety or efficacy of an immunizing agent prompts a reevaluation of an existing vaccination requirement. Any waiver or modification must:

(i) Reflect the best available medical research as indicated by the ACIP or the state health officer recommendation;

(ii) Identify a specific vaccine-preventable disease or immunizing agent;

(iii) Identify a specific cohort of children by age or grade level;

(iv) Be limited in duration; and

(v) Be approved by the board.